

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

-----	X	
	:	
In re	:	Chapter 9
	:	
CITY OF DETROIT, MICHIGAN,	:	Case No. 13-53846
	:	
Debtor.	:	Hon. Steven W. Rhodes
-----	X	

**STIPULATION BY AND BETWEEN PETITIONERS ROBERT DAVIS
AND CITIZENS UNITED AGAINST CORRUPT GOVERNMENT AND
THE CITY OF DETROIT RESOLVING PETITIONERS' EMERGENCY
MOTION FOR CLARIFICATION OF THE COURT'S
JULY 25, 2013 STAY ORDER**

This stipulation regarding Petitioners Robert Davis' and Citizens United Against Corrupt Government's Emergency Motion for Clarification of the Court's July 25, 2013 Stay Order ("Motion") is entered into on this 12th day of November, 2013, by and among Robert Davis and Citizens United Against Corrupt Government ("Plaintiffs") and the City of Detroit, Michigan ("City").

1. On July 18, 2013 ("Petition Date"), the City commenced this case under chapter 9 of title 11 of the United States Code ("Bankruptcy Code").

2. On July 25, 2013, the Court entered its Order Pursuant to Section 105(a) of the Bankruptcy Code Confirming the Protections of Sections 362, 365 and 922 of the Bankruptcy Code [Dkt. #167] ("Stay Confirmation Order").

3. Also on July 25, 2013, the Court entered its Order Pursuant to Section 105(a) of the Bankruptcy Code Extending the Chapter 9 Stay to Certain (A) State Entities, (B) Non Officer Employees and (C) Agents and Representatives of the Debtor [Dkt. #166] (“Stay Extension Order”).

4. After the Petition Date, on August 20, 2013, the Plaintiffs filed, in the 3rd Circuit Court for the County of Wayne, State of Michigan (Case No. 13-010901-AW), an *ex parte* application for leave to file a complaint in *quo warranto* seeking to remove City Council President Saunteel Jenkins from office (“State Court Case”).

5. On September 19, 2013, Plaintiffs filed the Motion requesting a clarification of the applicability of the Stay Extension Order to the State Court Case.

6. Plaintiffs agree not to pursue any monetary claims, including without limitation, damages, penalties, fines, costs and attorneys’ fees against Saunteel Jenkins or the City, either directly or indirectly.

7. Plaintiffs and the City agree that, with the Plaintiffs’ agreement not to pursue any monetary claims directly or indirectly against Saunteel Jenkins or the City, the automatic stay of 11 U.S.C. §§362 and 922(a), the Stay Confirmation Order and Stay Extension Order do not apply to the State Court Case and any

appeals. Collection actions against Saunteel Jenkins or the City, either directly or indirectly, are to remain stayed.

8. The Plaintiffs will continue to serve the City with all pleadings and papers filed in the State Court Case or any appeals.

9. Plaintiffs and the City request that the Court enter the proposed Order submitted with this stipulation.

STIPULATED:

Dated: November 12, 2013

ATTORNEYS FOR PLAINTIFFS

By: /s/ Andrew A. Patterson
Andrew A. Paterson, Jr. (P18690)
Paterson Law Office
46350 Grand River Avenue, Suite C
Novi, Michigan 48374
Tel: (248) 645-0759; (248) 569-9712
Fax: (248) 662-0050
Aap43@outlook.com; aap43@hotmail.com

ATTORNEYS FOR THE CITY OF DETROIT

By: /s/Stephen S. LaPlante
Jonathan S. Green (MI P33140)
Stephen S. LaPlante (MI P48063)
MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.
150 West Jefferson
Suite 2500
Detroit, Michigan 48226
Telephone: (313) 963-6420
Facsimile: (313) 496-7500

green@millercanfield.com
laplante@millercanfield.com

David G. Heiman (OH 0038271)

Heather Lennox (OH 0059649)

JONES DAY

North Point

901 Lakeside Avenue

Cleveland, Ohio 44114

Telephone: (216) 586-3939

Facsimile: (216) 579-0212

dgheiman@jonesday.com

hlennox@jonesday.com

Bruce Bennett (CA 105430)

JONES DAY

555 South Flower Street Fiftieth Floor

Los Angeles, California 90071

Telephone: (213) 243-2382

Facsimile: (213) 243-2539

bbennett@jonesday.com

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

**ORDER CLARIFYING THAT THE STAY DOES NOT APPLY TO THE
PLAINTIFFS' QUO WARRANTO ACTION AGAINST
SAUNTEEL JENKINS BUT DOES APPLY TO THE PURSUIT OF
MONETARY CLAIMS AGAINST SAUNTEEL JENKINS
OR THE CITY OF DETROIT**

This matter came before the Court by Petitioners Robert Davis' and Citizens United Against Corrupt Government's ("Plaintiffs") Emergency Motion for Clarification of the Court's July 25, 2013 Stay Order ("Motion") [Dkt. #949]; the parties have reached an agreement to address the issues raised in the Motion as provided in the their stipulation; and the Court being fully advised in the premises;

IT IS HEREBY ORDERED with respect to Plaintiffs' *ex parte* application for leave to file a complaint in *quo warranto* seeking to remove City Council President Saunteel Jenkins from office, filed in the 3rd Circuit Court for the County of Wayne, State of Michigan, Case No. 13-010901-AW ("State Court Case"), the

stays under §§ 362 and 922 (a) and the Order Pursuant to Section 105 (a) of the Bankruptcy Code Extending the Chapter 9 Stay to Certain (A) State Entities, (B) Non Officer Employees and (C) Agents and Representatives of the Debtors do not apply to the State Court Case so long as Plaintiffs do not pursue, either directly or indirectly, any monetary sanctions, including without limitation, any damages, fines, penalties, costs or attorneys' fees against Saunteel Jenkins or the City;

IT IS FURTHER ORDERED, Plaintiffs remain stayed from seeking to recover from Saunteel Jenkins or the City any monetary sanctions, including without limitation, any damages, fines, penalties, costs or attorneys' fees;

IT IS FURTHER ORDERED, Plaintiffs will continue to serve the City with all pleadings and papers filed in the State Court Case or any appeals;

IT IS FURTHER ORDERED, that no other relief is granted.